

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

BAYER HEALTHCARE LLC,

Plaintiff/  
Counterclaim-Defendant,

v.

SERGEANT'S PET CARE PRODUCTS, INC.,

Defendant/  
Counterclaimant.

Case No. 13-cv-2501 (JSR)  
ECF CASE

**DECLARATION OF ROBERT STEWART Ph.D. IN OPPOSITION  
TO PLAINTIFF'S MOTION FOR A PRELIMINARY INJUNCTION**

ROBERT STEWART, Ph.D., declares as follows:

1. I am a Vice President at Technology Sciences Group Inc. (TSG), a multinational consulting company that represents chemical manufacturers before the US Environmental Protection Agency, the Food and Drug Administration, and the Consumer Product Safety Commission.

2. I was retained by counsel to Sergeant's Pet Care Products, Inc. ("Sergeant's"), Sheppard Mullin Richter & Hampton LLP, to provide a written evaluation of certain criticisms made by Bayer Healthcare LLC ("Bayer") of efficacy studies relied upon by Sergeant's in support of certain advertising claims being challenged by Bayer in this litigation.

3. The accompanying expert report (attached hereto as Exhibit A) details my qualifications, as well my evaluation of the Bayer criticisms. That report is incorporated by reference herein.

4. I submit this declaration in opposition to Bayer's motion for a preliminary injunction. Except as otherwise stated below, I have personal knowledge of the matters set forth in this Declaration and, if called as a witness, would testify competently to those matters.

I declare under penalty of perjury that the foregoing is true and correct.

Executed in Washington, DC on the 15th day of May, 2013.

  
Robert Stewart Ph.D.